

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION**

SubAir Systems, LLC,)
)
Plaintiff,)
)
v.) Civil Action No. 1:06-cv-02620-RBH
)
)
PrecisionAire Systems, Inc.,)
Precision Small Engine Company,)
and Andrew M. Masciarella,)
)
Defendants.)
)

DEFENDANTS' MEMORANDUM IN SUPPORT OF RULE 11 MOTION

Exhibit 1

MCNAIR LAW FIRM, P.A.

INTELLECTUAL PROPERTY GROUP
ATTORNEYS AND COUNSELORS AT LAWCORT FLINT
cflint@mcnair.netBANK OF AMERICA PLAZA
101 NORTH MAIN STREET, SUITE 900
GREENVILLE, SOUTH CAROLINA 29601www.mcnair.netPOST OFFICE BOX 10827
GREENVILLE, SOUTH CAROLINA 29603
TELEPHONE (864) 232-4261
FACSIMILE (864) 232-4437

September 6, 2006

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Andrew Masciarella
 Precision USA, Inc.
 2510 NW 16th Lane
 Pompano Beach, FL 33064

RE: 037476.00032 – United States Patent nos. 5,433,759 entitled “Underground System For Treating Soil”; 5,507,595 entitled “Apparatus For Treating Soil”; 5,542,208 entitled “Mobile Unit For Treating Soil”; 5,617,670 entitled “Mobile Unit For Treating Soil”; 5,636,473 entitled “Underground System For Treating Soil”; and 7,033,108 entitled “Turf Playing Surface Aeration And Drainage System”

Gentlemen:

This firm represents SubAir Systems, LLC of Graniteville, South Carolina, in regard to its patent and trademark matters. SubAir is the owner of the above United States patents.

We are informed and believe that Precision is manufacturing, offering for sale, selling, using, and/or importing turf treatment and aeration systems which infringe one or more of the above referenced patents. In particular, your “PrecisionAire” subsurface heating and cooling system and your “PrecisionAire” pressure vacuum A/C and heating system with trailer infringe one or more of the above patents, see Attachment A.

Specifically, we are informed and believe that Precision is offering for sale one or both of the PrecisionAire systems to the Sea Island Golf Club at St. Simons Island. We firmly believe that this offer for sale or sale infringes one or more of the above patents.

Accordingly, we insist that you discontinue your manufacture, offers for sale, sales and use of the patented systems. In addition, use of the systems by PrecisionAire customers, such as Sea Island Golf Club, is also an infringement. By copy of this letter, we are placing Sea Island Golf Club on notice.

Respecting SubAir’s patent rights in these systems is greatly appreciated. May we please hear from you within two weeks of receipt of this letter as to your intentions in this matter.

TechAttorney®

McNAIR LAW FIRM, P.A.
ATTORNEYS AND COUNSELORS AT LAW

Mr. Andrew Masciarella
Precision USA, Inc.
September 6, 2006
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With kind regard.

Cordially yours,


Cort Flint

CF:agm
cc: Michael E. Corwon, CEO
SubAir Systems, LLC

Barry Collett, Director
Sea Island Golf Club Maintenance
100 Retreat Avenue
St. Simons Island, GA 31522

CF:agm

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